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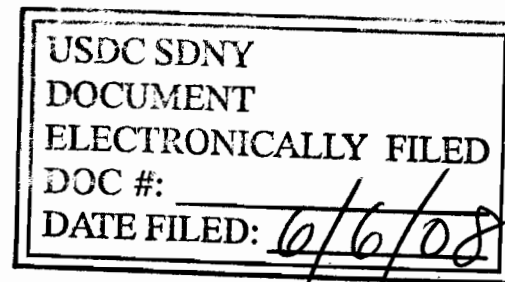
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MEMO ENDORSED

June 4, 2008

**VIA FACSIMILE**

Honorable Gerard E. Lynch  
United States District Judge  
United States Courthouse  
500 Pearl Street  
Room 910  
New York, New York 10007-1581  
Fax: (212) 805-0436



**RE: Krys, et al. v. Sugrue, et al., 08 Civ. 3065**  
**and 08 Civ. 3086**

Dear Judge Lynch:

This firm, together with Beus Gilbert PLLC, is counsel to the plaintiffs (the "Plaintiffs") in *Kenneth M. Krys, et al. v. Christopher Sugrue, et al.*, 08 Civ. 3065 and 08 Civ. 3065 (the "Sphinx Action")

As Your Honor may be aware, Plaintiffs filed a Motion for Remand and/or Abstention in the Sphinx Action on April 25, 2008. On May 27, 2008, two separate sets of removing defendants filed independent Oppositions to Plaintiffs' Motion for Remand and/or Abstention. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("BAWAG") filed a 24-page memorandum of law, and JP Morgan Chase & Co., Credit Suisse Securities (USA) LLC, Banc of America Securities LLC, Grant Thornton LLP, Mark Ramler, Mayer Brown LLP, Mayer Brown International LLP, Thomas H. Lee Partners, L.P., Thomas H. Lee Advisors, LLC, THL Managers V, LLC, THL Equity Advisors V, L.P., Thomas H. Lee Equity Fund V, L.P., Thomas H. Lee Parallel Fund V, L.P., Thomas H. Lee (Cayman) Fund V, L.P., Thomas H. Lee Investors Limited Partnership, 1997 Thomas H. Lee Nominee Trust, Thomas H. Lee, David V. Harkins, Scott L. Jaeckel, Scott A. Schoen PricewaterhouseCoopers LLP and Mari Ferris (collectively, the "Initial Removing Defendants") filed a 25-page memorandum of law.

Plaintiffs anticipate filing reply papers in response to both sets of opposition papers, and we respectfully submit that it would be most efficient to incorporate the



replies to both sets of opposition papers into a single pleading. Pursuant to Your Honor's Individual Practices, Plaintiffs respectfully request that Your Honor grant permission to Plaintiffs to submit a reply memorandum of law that exceeds the stated ten-page limit. Plaintiffs propose to submit a single memorandum of law, not to exceed 20 pages, in reply to both the BAWAG Opposition and the Initial Removing Defendants' Opposition. Given that Plaintiffs' Motion for Remand addressed both the Notice of Removal filed by BAWAG and the Notice of Removal filed by the Initial Removing Defendants, and given that there is substantial overlap between the arguments made in BAWAG's Opposition and the Initial Removing Defendants' Opposition, Plaintiffs believe that submission of single reply is both logical and necessary to Plaintiffs' ability to respond fully to the arguments raised in both sets of opposition papers. Both BAWAG and the Initial Removing Defendants have consented to Plaintiffs' submission of a single memorandum of not more than 20 pages.

Plaintiffs respectfully request that Your Honor grant permission to Plaintiffs to submit a single reply memorandum of law of 20 pages or less. We are available to answer any questions that the Court may have. ]\*

Respectfully,

David J. Mollon

cc: (via e-mail)

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SO ORDERED

GERARD E. LYNCH, U.S.D.J.

6/4/08



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